

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA

V.

JERRY RAY PHILLIPS

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CASE NO. 2:08cr6(1)

**FINDINGS OF FACT AND RECOMMENDATION ON GUILTY PLEA
BEFORE THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Court for administration of a plea of guilty and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On September 19, 2008, this cause came before the undersigned United States Magistrate Judge for a plea of guilty and allocution of the defendant on an indictment charging the defendant in Count 1 with a violation of 18 U.S.C. § 2250, Failure to Register. After conducting said proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Court finds:

a. That the defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a United States Magistrate Judge, subject to a final approval and imposition of sentence by the District Court.

b. That the defendant and the government have entered into a plea agreement which has been filed and disclosed in open court pursuant to Fed. R. Crim. P. 11(e)(2).

c. That the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each

of the essential elements of the offense.

d. That defendant understands his constitutional and statutory rights and wishes to waive these rights, including the right to a trial by jury and the right to appear before a United States District Judge.

IT IS THEREFORE RECOMMENDED that the District Court accept the Plea Agreement and the Guilty Plea of the defendant and that JERRY RAY PHILLIPS should be finally adjudged guilty of that offense.

At the close of the change of plea hearing, defendant, defense counsel, and counsel for the government waived their right to object to the proposed findings and recommendations contained in this report.

SIGNED this 23rd day of September, 2008.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE